

REMARKS

Status of the Claims:

Claims pending after present amendment:	1, 2, 4, 6, 8-11, 13-15
Allowed claim(s):	-
New claim(s):	-
Canceled claims:	
present amendment:	3, 5, 7, 12
earlier amendment(s):	
Amended claim(s):	1, 6, 8, 9, 11, 14-15

The above-noted cancellation and amendment of claims are made without prejudice, and Applicants reserve the right to pursue all canceled subject matter in a future continuing application. Claim 1 has been amended to incorporate the limitations of claim 5, which depended from claim 3, and claims 3 and 5 have been canceled as being duplicative of amended claim 1. Claim 6 has been amended to incorporate the limitations of claim 7, and claim 7 has been canceled. Claim 8 has been amended to adjust its dependency. Claims 9 and 11 have been rewritten as they can no longer be dependent on amended claim 6. Claims 14 and 15 have been written as method of treatment claims. Claim 12 has been canceled without prejudice.

Amendment to the Specification

The specification has been amended as requested by the Examiner, except that the R⁴ group thieno[3,2,-b]pyridinyl as disclosed in claim 8 is now supported by the currently amended paragraph that bridges pages 6 and 7.

Claim Objections

The spelling of the word "imidazoly" in claim 9 has been corrected to read "imidazolyl".

Rejection under 35 USC 112, second paragraph

Claims 1-15 stand rejected as being indefinite because of the presence of the expression "D is not NHC(O)C1-6alkyl". The rejection is now moot as the expression is no longer present in amended claim 1.

The rejection of claims 5 has been obviated by the cancellation of the claim.

The rejection of claims 14-15 has been obviated by converting these claims from use type claims to method of treatment claims.

Rejection under 35 USC 101

Claims 14 and 15 stand rejected for reciting a use without setting forth any steps involved in the process. The rejection is now moot in view of the amendment rewriting these claims as method of treatment claims.

Rejection under 35 USC 102/Allowable subject matter

First Applicants acknowledge that the Examiner has found claims 5 and 7-11 to be allowable if rewritten to overcome the rejection(s) under 35 USC 112, second paragraph. As noted above, claim 1 has been amended to incorporate the limitations of allowable claim 5, and claim 6 has been amended to incorporate the limitations of allowable claim 7; the claims have also been amended to overcome any issues raised under 35 USC 112, second paragraph.

Claims 1, 2, 4, 6, 12 and 13 stand rejected under 35 USC 102(b) as being anticipated by Rajapoplan et al. Applicants respectfully traverse. The proviso language in claim 1 excludes any compound(s) that are disclosed in Rajapoplan.

Claims 1 and 13 stand rejected under 35 USC 102(b) as being anticipated by Aries. Applicants respectfully traverse. Aries requires the central pyrimidine ring be disubstituted with sulfanilamides; i.e., in order for Aries to be anticipatory, the definition of R^{2a} in the present formula I would have to include sulfanilamide; but it does not.

Claims 1, 4 and 13 stand rejected under 35 USC 102(b) as being anticipated by Kloetzel et al. Applicants respectfully traverse. The proviso language in claim 1 excludes any compound(s) that are disclosed in Kloetzel et al.

Claims 1, 4 and 13 stand rejected under 35 USC 102(b) as being anticipated by Yoshino et al. Applicants respectfully traverse. The proviso language in claim 1 excludes any compound(s) that are disclosed in Yoshino et al.

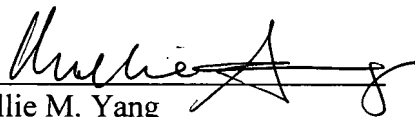
Claims 1-4, 6 and 12-15 stand rejected under 35 USC 102(e) as being anticipated by Fleming et al, alone or in view of Elling et al. The proviso language in claim 1 excludes any compound(s) that are disclosed in Fleming et al, and Elling et al does not disclose any compounds relevant to the instant application.

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Applicants believe that none of the cited references anticipate the claimed invention; however, in order to advance the application to grant, Applicants have amended the applications such that only claims to allowable subject matter remain.

In light of the above amendment and remarks, Applicants believe the application is now in condition for allowance. An early favorable action is respectfully requested.

Respectfully submitted,

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Date: November 7, 2007